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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MEHMET SAYAL, FABIO CASATI, and MING-CHIEN SHAN

Appeal 2009-004430
Application 09/943,223
Technology Center 2100

Before LEE E. BARRETT, JOSEPH L. DIXON, and LANCE LEONARD
BARRY, *Administrative Patent Judges*.

DIXON, *Administrative Patent Judge*.

DECISION ON APPEAL¹

The Appellants appeal under 35 U.S.C. § 134(a) from a Final rejection of claims 1-18. We have jurisdiction under 35 U.S.C. § 6(b).

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

We REVERSE.

I. STATEMENT OF THE CASE

The Invention

The invention at issue on appeal relates to a method and system for integrating workflow management systems with external business-to-business (B2B) standards (Spec. 8).

The Illustrative Claim

Claim 1, an illustrative claim, reads as follows:

1. A method for supporting workflow design comprising the steps of:
 - a) receiving a description of a business-to-business interaction standard;
 - b) converting the description of business-to-business interaction standard to a structured representation of the business-to-business interaction standard;
 - c) automatically generating at least one process template based on the structured representation of the business-to-business interaction standard; and
 - d) using the process template to design a workflow.

The References

The Examiner relies on the following references as evidence:

Workflow Management Coalition, *A Common Object Model Discussion Paper*, Document Number WfMC-TC-1022, 1-16 (1998), (hereafter ACOMDP).

Anderson et al., *Workflow Interoperability – Enabling E-Commerce*, www.wfmc.org, 1-11 (1999), (hereafter Anderson).

The Rejections

The following rejections are before us for review:

Claims 1-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of ACOMDP and Anderson.

II. ISSUE

Has the Examiner erred in finding that the combination of ACOMDP and Anderson teaches or fairly suggests “converting the description of business-to-business interaction standard to a structured representation of the business-to-business interaction standard,” as recited in independent claim 1?

III. PRINCIPLES OF LAW

Obviousness

“Obviousness is a question of law based on underlying findings of fact.” *In re Kubin*, 561 F.3d 1351, 1355 (Fed. Cir. 2009). The underlying

factual inquiries are: (1) the scope and content of the prior art, (2) the differences between the prior art and the claims at issue, (3) the level of ordinary skill in the pertinent art, and (4) secondary considerations of nonobviousness. *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007) (citation omitted).

IV. FINDINGS OF FACT

The following findings of fact (FFs) are supported by a preponderance of the evidence.

Anderson

1. Anderson discloses:

The WfMC Interoperability Standards are designed to allow users of workflow products to implement processes that flow across organizational and technological barriers. . . . Recognising [sic] the need to be able to assess the meaning of conformance statements that might be made by vendors, the WfMC Working Group 4 (Workflow Engine interoperability) produced an Interoperability Proving Framework document. This work was done against a background of so-called conformance claims made by a number of companies that are not members of the Coalition. The document sets out a comprehensive series of tests designed to show the behaviour and ability to interoperate of two workflow engines that have implemented the MIME Binding specification.

(page 7).

2. Anderson also discloses:

The WfMC Interoperability Specification is an Industry Standard agreed by all the major workflow vendors. The MIME Binding to the Interoperability Standard provides the basis for all conforming products to communicate via e-mail that can be received by another workflow engine and used to initiate a new business process. The interoperability is bi-directional. All conforming products are expected to be able to send, receive and respond to these e-mails.

The Interoperability Standard enables provision of automated business processes that span many organisations [sic] to operate integrated supply chain. It is cheaper to operate commercial transactions automatically, and this is Why EDI has been so popular.

(page 9).

3. Anderson further discloses:

For all of this to be possible, there will need to be a commercial agreement in place between each pair of companies that inter-trade in the value chain. The companies will also have established a technical agreement (an *interoperability contract*) describing the way in which interoperability is to be effected [sic].

(page 5).

V. ANALYSIS

The Appellants have the opportunity on appeal to the Board of Patent Appeals and Interferences (BPAI) to demonstrate error in the Examiner's

position. *See In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006) (citing *In re Rouffet*, 149 F.3d 1350, 1355 (Fed. Cir. 1998)).

The Examiner sets forth a detailed explanation of a reasoned conclusion of unpatentability in the Examiner's Answer. Therefore, we look to the Appellants' Brief to show error in the proffered reasoned conclusion. *Id.*

The Common Feature in Claims

Independent claim 1, recites, *inter alia*, "converting the description of business-to-business interaction standard to a structured representation of the business-to-business interaction standard." Independent claims 11 and 17, with different wording, contain similar limitations.

35 U.S.C. § 103(a) rejections

With respect to independent claim 1, the Appellants contend that ACOMDP fails to disclose the argued limitation because "a model provided for communication between software applications (e.g., a standard API model) is not equivalent to *converting* the description of a business-to-business interaction standard to a *structured representation* of the business-to-business interaction standard." (App. Br. 9). According to the Appellants, the API model in ACOMDP is merely provided for communication between components, but provided for converting a B2B interaction standard. *Id.* The Appellants further contend that ACOMDP merely discloses that a particular interoperability standard is agreed to as an industry standard, and

Anderson merely teaches a contract that describes workflow definition. However, none of them is equivalent to converting the description of a business-to-business interaction standard to a structured representation of the business-to-business (B2B) interaction standard (Reply Br. 3).

We agree with the Appellants. We find that the paragraphs of the Anderson² reference relied upon by the Examiner do not support the proffered rejection on the argued limitation. First, we find Anderson only mentions that the WfMC Interoperability Standard is designed to allow users to implement processes that flow across different organizations that may use different technologies (FF 1), but we do not find any teaching of converting one B2B standard to a structured standard mentions in the cited paragraph. Furthermore, we find Anderson mentions that the WfMC Interoperability Standard is an industry standard agreed by all major workflow vendors and all conforming products are expected to be able to send, receive, and respond to these e-mails for making the commercial traction automatically (FF 2). However, agreeing on the industry standard does not render the process of converting a B2B standard to a structured B2B standard as required by the claim 1. Finally, Anderson mentions the need for the companies to have a commercial agreement in place for a commercial transaction (FF 3). However, this commercial agreement is also not read on

² It appears that the Examiner mis-identifies Anderson as ACOMDP in Ans. 3 and Ans. 13 for citing section Assessing interoperability, and similarly, in Ans. 9 for citing section Summary.

the argued limitation of claim 1 as the Examiner states. We, therefore, find the Examiner's position is untenable.

Because we agree with at least one of the Appellants' contentions, we find that the Examiner has not made a requisite showing of obviousness as required to teach or fairly suggest the invention as recited in claim 1 by the combined teachings of ACOMDP and Anderson. The rejection of the dependent claims 2-10 contains the same deficiency. The Appellants, thus, have demonstrated error in the Examiner's proffered case for obviousness of the subject matter of claims 1-10.

The independent claims 11 and 17 contain the similar limitations to those found in independent claim 1. The Appellants present similar arguments as set forth with respect to independent claim 1 in response to the rejections of independent claims 11 and 17 (App. Br. 3-4).

As we found above in our discussion with respect to independent claim 1, we similarly find that the Appellants have demonstrated error in the Examiner's conclusion for obviousness of the subject matter of independent claims 11 and 17. The rejection of dependent claims 12-16 and 18 also contains the same deficiency. Hence, the Appellants' argument persuades us that the Examiner erred in rejecting claims 1-18.

We, therefore, cannot sustain the rejection of claims 1-18 under 35 U.S.C. § 103.

VI. CONCLUSION

We conclude that the Examiner has erred in finding that the combination of ACOMDP and Anderson teaches or fairly suggests “converting the description of business-to-business interaction standard to a structured representation of the business-to-business interaction standard,” as recited in independent claim 1.

VII. ORDER

We reverse the obviousness rejections of claims 1-18 under 35 U.S.C. § 103(a).

REVERSED

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